

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

WILLIAM S. FRAUNFELDER,)	
)	
Petitioner,)	
vs.)	1:13-cv-135-WTL-TAB
)	
SUPERINTENDENT, NEW CASTLE)	
CORRECTIONAL FACILITY,)	
)	
Respondent.)	

Entry and Order Dismissing Action

I.

The respondent's unopposed motion to dismiss [Dkt 16] is **granted** because the habeas petition does not allege a claim cognizable under 28 U.S.C. § 2254(a), *Perruquet v. Briley*, 390 F.3d 505, 511 (7th Cir. 2004) (“To say that a petitioner's claim is not cognizable on habeas review is thus another way of saying that his claim ‘presents no federal issue at all.’”) (quoting *Bates v. McCaughtry*, 934 F.2d 99, 101 (7th Cir. 1991), and because even if such a claim could be discerned from the habeas petition the petitioner has not satisfied the exhaustion requirement of the federal habeas statute. *Lewis v. Sternes*, 390 F.3d 1019, 1025–26 (7th Cir. 2004) (as to exhaustion of state remedies, a petitioner must “assert his federal claim through one complete round of state-court review, either on direct appeal of his conviction or in post-conviction proceedings This means that the petitioner must raise the issue at each and every level in the state court system, including levels at which review is discretionary rather than mandatory.”).

II.

The dismissal of the action shall be without prejudice, and judgment consistent with this Entry shall now issue.

III.

Pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the *Rules Governing ' 2254 Proceedings*, and 28 U.S.C. ' 2253(c), the court finds that the petitioner has failed to show that reasonable jurists would find it “debatable whether [this court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The court therefore **denies** a certificate of appealability.

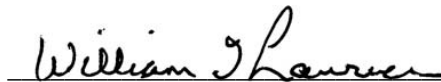
IT IS SO ORDERED.

Date: 06/14/2013

Distribution:

William S. Fraunfelder
#110651
New Castle Correctional Facility
1000 Van Nuys Rd.
P.O. Box A
New Castle, IN 47362

Electronically Registered Counsel



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana